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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 ELF-MAN, LLC

8 Plaintiff,

9 v.

10 RYAN LAMBERSON,

11 Defendant.

12 NO: 13-CV-0395-TOR

13 ORDER GRANTING MOTION TO  
14 WITHDRAW AS COUNSEL FOR  
15 PLAINTIFF

16 BEFORE THE COURT is Maureen C. VanderMay's Motion to Withdraw as  
17 Counsel for Plaintiff (ECF No. 55). This matter was submitted for consideration  
18 without oral argument. The Court has reviewed the briefing and the record and  
19 files herein, and is fully informed.

20 Plaintiff's counsel Maureen C. VanderMay seeks to withdraw from  
21 representation of Plaintiff and asks that Plaintiff be afforded sixty days to locate  
22 and retain replacement counsel. ECF No. 55-1 at 1-2. She seeks to withdraw on  
23 grounds that “[i]ssues have arisen with Plaintiff's representatives that preclude  
24 [her] from both continuing with representation of Plaintiff and complying with the

1 governing rules of professional conduct." ECF No. 55-1 at 1. Due to the privileged  
2 and confidential nature of these issues, Ms. VanderMay declines to disclose  
3 details. *Id.*

4 Pursuant to LR 83.2(d)(4), an attorney must obtain leave from the Court to  
5 withdraw as counsel if said withdrawal leaves the party unrepresented. The  
6 attorney's motion for withdrawal must demonstrate good cause, and must be filed  
7 and served on the client and opposing counsel. Under LR 83.2(d)(3), leave of the  
8 Court is also required when a change in counsel affects a termination of one law  
9 office and the appearance of a new law office. The decision whether to permit  
10 counsel to withdraw is within the sound discretion of the court. *See LaGrand v.*  
11 *Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998). Rule 1.16(b) of the Washington  
12 Rules of Professional Conduct provides:

13 Except as stated in paragraph (c), a lawyer may withdraw from representing  
a client if:

14 (1) withdrawal can be accomplished without material adverse effect  
on the interests of the client;  
15 (2) the client persists in a course of action involving the lawyer's  
services that the lawyer reasonably believes is criminal or fraudulent;  
16 (3) the client has used the lawyer's services to perpetrate a crime or  
fraud;  
17 (4) the client insists upon taking action that the lawyer considers  
repugnant or with which the lawyer has a fundamental disagreement;  
18 (5) the client fails substantially to fulfill an obligation to the lawyer  
regarding the lawyer's services and has been given reasonable warning  
that the lawyer will withdraw unless the obligation is fulfilled;  
19 (6) the representation will result in an unreasonable financial burden  
on the lawyer or has been rendered unreasonably difficult by the  
client; or

1 (7) other good cause for withdrawal exists.

2 RPC 1.16.

3 Despite this, in federal court, “corporations and other unincorporated  
4 associations must appear in court through an attorney.” *In re Am. W. Airlines*, 40  
5 F.3d 1058, 1059 (9th Cir. 1994). *See also Rowland v. California Men's Colony*,  
6 *Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993) (“a corporation may  
7 appear in the federal courts only through licensed counsel”).

8 Here, David Allen Lowe entered his Notice of Appearance on behalf of Elf-  
9 Man, LLC, on June 13, 2014. ECF No. 56. Ms. VanderMay’s withdrawal does not  
10 leave Plaintiff unrepresented, and her request demonstrates good cause.

11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

12 Ms. VanderMay’s Motion to Withdraw as Counsel for Plaintiff (ECF No.  
13 55) is **GRANTED**.

14 The District Court Executive is hereby directed to enter this Order, and  
15 furnish copies to counsel.

16 **DATED** June 16, 2014.



17 A handwritten signature in blue ink that reads "Thomas O. Rice".  
18 THOMAS O. RICE  
United States District Judge  
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